

### REMARKS

Claims 1-10, 12-26, and 36 are pending in the present Application. Claims 1, 20, 21, 25, 26, and 36 have been amended.

Claims 1, 20, 21, 25, 26, and 36 have been amended to specifically point out the amount of poly(arylene ether) in the thermoplastic composition. Support for this amendment can at least be found in the Examples, specifically in Paragraph [0073] as originally filed. Applicants note that a careful review of the Examples shows that the amount of poly(arylene ether) in [0073] is the lowest amount of all the Examples. The next lowest amount can be found in Example 4 (50 weight percent of a concentrate containing 74.7 weight percent poly(arylene ether) for a total of 37 weight percent poly(arylene ether) based on the total weight of the composition).

No new matter has been introduced by these amendments or new claims. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

#### Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-8, 10, 12-14, 16, 17, 19, 20, 25, and 36 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over United States Patent No. 5,270,386 to Laughner.

Claims 1-10, 12-26, and 36 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over United States Patent No. 5,270,386 or United States Patent No. 5,262,476 to Laughner (Laughner '386 and Laughner '476). Applicants respectfully traverse these rejections.

Laughner '386 and Laughner '476 both disclose using a poly(phenylene ether) concentrate in a composition. Laughner '386 and '476 both disclose that that final composition can comprise up to 30 parts by weight poly(phenylene ether) based on the total weight of the composition ('386: col. 2, lines 47-68; '476: col. 2, lines 57-64). Thus it is clear that the pending claims are directed to compositions containing significantly more poly(arylene ether) (at least 13% more) than either Laughner reference. Furthermore, as shown in Examples 26-34, the use of a concentrate formed by melt mixing (either pelletized or molten) shows a surprising decrease in the amount of odor and odor producing compounds

– particularly in compositions containing so much poly(arylene ether) by weight.

Additionally, Applicants note that Laughner '476 discloses using a poly(phenylene ether) concentrate in making a composition comprising a polycarbonate and a polyester. Applicants respectfully assert that Laughner '476 discloses entirely types of polymers used in combination with the poly(phenylene ether) concentrate. The polycarbonate and polyester taught by Laughner '476 are substantially different from the instantly claimed polymers that can be combined a poly(arylene ether) concentrate, namely poly(alkenyl aromatic) homopolymer resin, rubber modified poly(alkenyl aromatic) homopolymer resin, polyamide, and polyolefin.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, or knowledge generally available in the art at the time of the invention, must provide some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The obviousness inquiry also requires consideration of common knowledge and common sense. *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1742-43 (2007); *DyStar Textilfarben GmbH & Co. Deutschland KG v. C.H. Patrick Co.*, 464 F.3d 1356, 1367 (Fed. Cir. 2006) ("Our suggestion test is in actuality quite flexible and not only permits, but requires, consideration of common knowledge and common sense.")

Applicants respectfully assert that neither reference contains all the elements of the pending claims, notably the amount of poly(arylene ether) as instantly claimed. Furthermore, Applicants submit that the claimed compositions utilizing a concentrate formed by melt mixing have surprisingly low odor levels. Reconsideration and withdrawal of this rejection are respectfully requested.

#### Nonstatutory Double Patenting Rejections

Claims 1-7, 10, 12-17, 19, 25 and 36 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-46 of

United States Patent No. 6,908,964 to Adedeji, et al. (Adedeji). Claims 1, 3-7, 10, 12-17, 19, 25 and 36 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-46 of United States Patent No. 6,627,701 to Adedeji, et al. (Adedeji). Applicants are submitting herewith terminal disclaimers in compliance with 37 CFR § 1.321(c) to overcome these rejections.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 50-1131.

Respectfully submitted,

CANTOR COLBURN LLP

By Patricia S. DeSimone  
Patricia S. DeSimone  
Registration No. 48,137

Date: September 17, 2007  
CANTOR COLBURN LLP  
55 Griffin Road South  
Bloomfield, CT 06002  
Telephone (860) 286-2929  
Facsimile (860) 286-0115  
Customer No.: 23413